

Application No. 09/685,398
Reply to Office Action dated June 23, 2005

Docket No. RSW920000107US1

REMARKS

I. Summary of the Office Action and this Reply

Claims 1-31 are pending. The Examiner has rejected claims 1-31 under 35 U.S.C. §102(e), asserting that such claims are anticipated by U.S. Patent Publication No. 2002/0038273 to Wherry et al. ("Wherry").

**II. Discussion of U.S. Patent
Publication No. 2002/0038273 A1 to Wherry**

Wherry discloses a method and system for investment integration that enable investment tool function that can be used via a central user interface. One embodiment includes a method for integration of investment tools with a hub and spoke architecture in which a single central interface integrates the functionality of the various investment tools. See Summary.

In a certain embodiment, a function performed by an investment tool can be monitored by a user through a user interface. The user can establish criteria that, when exceeded, causes the process to notify or report to the user that an event, input by the user, has occurred. Paragraph 60.

The report or notification can be provided by a visual alert, an audio tone, or other methods known in the art. Paragraph 60. The user provides specific criteria determining when an alert will be generated 1005 and how the alert will be delivered 1006. Paragraph 63. See also paragraphs 67, 68.

III. Response to 102 Rejections

A rejection under 35 U.S.C. § 102 is proper only if each and every element of the

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claim is found in a single prior art reference. MPEP § 2131.

Claims 1-28

Independent claim 1 is directed to a computer-implemented method of rebalancing a portfolio of assets to achieve optimality. The method includes "transmitting to a customer an alert message . . . and a list of recommended rebalancing transactions."

The Examiner has asserted that claim 1 is anticipated by Wherry, stating that Wherry discloses transmitting a list of recommended rebalancing transactions at paragraphs 60-63 and 67-68. See page 2 of the Action. Applicants traverse.

The cited portion of Wherry neither teaches nor suggests transmitting to a customer "a list of recommended rebalancing transactions." Wherry merely discloses that a user may be alerted/notified according to user-specified criteria determining when an alert will be generated and how the alert will be delivered. Paragraph 63. For example, an investment manager may wish to be alerted when residual risk reaches a particular value. Paragraph 61. If the notification criteria are met, the user is alerted. The user can periodically review the value of residual risk as determined by one of the investment tools to see if any unfavorable or favorable trends are occurring. Given such information, the user can make informed decisions regarding investment portfolio management. Paragraph 62. However, there is no disclosure in Wherry that the system will develop and/or present to a user a list of recommended rebalancing transactions. Instead, in Wherry, the user is merely alerted that an imbalance exists.

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Further, claim 1 further includes, after receiving a customer's response, "automatically implementing the list of recommended rebalancing transactions." Contrary to the Examiner's assertion on page 2 of the Action, the cited portion of Wherry neither teaches nor suggests "automatically implementing the list of recommended rebalancing transactions." The user is not presented with an alert message to which the user can provide a single response to initiate automatic implementation of a list of recommended rebalancing transactions. Accordingly, Wherry fails to teach or suggest a technique by which all necessary rebalancing trade transactions can be automatically implemented based on a customer's single response to an alert message indicating a need to rebalance a portfolio. See application, page 3, lines 26-28.

For at least these reasons, Wherry fails to teach or suggest all limitations of claim 1. Independent claim 16 includes recitations similar to those of claim 1 and is likewise patentable.

Claims 2-15 and 17-28 depend from claims 1 and 16, respectively, and are likewise patentable. Claim 9 further recites "generating execution instructions based on the list of recommended rebalancing transactions; and transmitting the execution instructions to an electronic trading system, whereby the list of recommended rebalancing transactions are electronically executed." Claim 22 includes similar recitations. This is neither taught nor suggested by Wherry, particularly at paragraphs 60-63, 67 and 68, as discussed above.

Reconsideration and withdrawal of the rejections of claims 1-28 are requested respectfully.

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Claims 29-31

Independent claim 29 recites "automatically triggering transmission of an alert message to a user based on the user-defined parameters . . . receiving a single response of the user to the alert message . . . and automatically performing a plurality of predetermined actions in response to the single response from the user." Thus, claim 29 includes recitations similar to those of claim 1 and is likewise patentable. Claim 31 depends from claim 29 and is likewise patentable.

Claim 30 depends from claim 29, and further recites that "a list of the predetermined actions is transmitted to the user along with the alert message", and thus is similar to claim 1 and patentable for similar reasons.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe claims 1-31 to be patentable and the application in condition for allowance, and request respectfully issuance of a Notice of Allowance. If any issues remain, the undersigned requests a telephone interview prior to the issuance of an action.

Respectfully submitted,

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